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DOCUMENT

ELECTRONICALLY FILED

DOC #: _____ February 14, 2011

DATE FILED: 2-14-11

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BY FAX (212) 805-7949
Honorable P. Kevin Castel
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

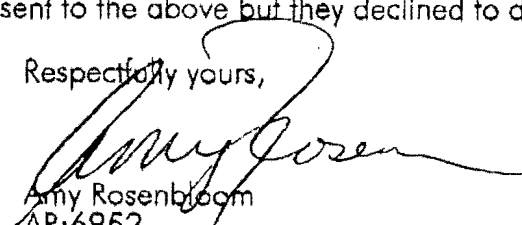
Re: Jessica Franqui v. Marcus Bolton et al
Case no: 10-CV-7391 (PKC)

Dear Judge Castel:

We are the attorneys for plaintiff. A review of the Civil Case Management Plan and Scheduling Order dated January 24, 2011 reveals an inconsistency. Item 3 states that any motion to amend or to join additional parties shall be filed within thirty (30) days from the date of the order. Item 14, penned in at the conference after discussion, states that plaintiff and defendants agree to dismiss all claims against defendant TP PLC without prejudice. As discussed at the conference, discovery is required before plaintiff will be in a position to determine whether to seek to join TP PLC as a defendant; therefore the thirty day deadline set forth in item 3 is not feasible. We respectfully request that item 3 be modified to add an exception for leave to be sought to add TP PLC within thirty days of the completion of fact discovery.

We requested that defendants consent to the above but they declined to do so.

Respectfully yours,


Amy Rosenbloom
AR:6952

AR:bun

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*Application denied.
Plaintiff is free to move
to amend at any time. However,
leave to amend need not be
freely granted beyond the
date in Item 3. See Parker
v. Columbia.*

*SO ORDERED
USDS
2-14-11*